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20350	7590	01/13/2005	ROSARIO VASQUEZ, DENNIS

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/028,997	WOLFF ET AL.
	Examiner	Art Unit	
	Dennis Rosario-Vasquez	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 December 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-77* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-77* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 December 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/20/2001

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Specification

1.   The disclosure is objected to because of the following informalities:

Page 3, line 29: "of system" ought to be amended to "of a system".

Page 5, line 28:"communicated" ought to be amend to "communicate".

Appropriate correction is required.

Claim Objections

2.   The following quotations of 37 CFR § 1.75(a) is the basis of objection:

> (a) The specification must conclude with a claim particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention or discovery.

3.   Claims 3 and 26 are objected to under 37 CFR § 1.75(a) as failing to particularly point out and distinctly claim the subject matter which the applicant regards as his invention or discovery.

Claim 3, line 3:"the corresponding digital image" has no antecedent basis. "the corresponding digital image ought to be amended to "a corresponding digital image".

Claim 26, line 6: "button the digital camera" ought to be amended to "button **of** the digital camera".

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 1-4,7-25,27-30,33-49,52-59,62-75 are rejected under 35 U.S.C. 102(b) as

being anticipated by Takahashi (US Patent 6,504,960 B2).

Regarding claim 1, Takahashi discloses the method of generating a customized

digital image, the method comprising:

a)   receiving a first digital image (Fig. 3, step 3:SELECT LAYOUT as shown

in figure 2.);

b)   determining one or more placement regions (Fig. 3, step 4:INPUT

LAYOUT POSITION has placement regions 1-6 as shown in figure 2:LAYOUT

TEMPLATE.) from the first digital image (Fig. 3, step 3:SELECT LAYOUT as shown in

figure 2.), each placement region of the one or more placement regions (Fig. 3, step

4:INPUT LAYOUT POSITION has placement regions 1-6 as shown in figure 2:LAYOUT

TEMPLATE.) identifying a location (A user "enters" a layout position in col. 5, lines 52-

55.) on the first digital image (Fig. 3, step 3:SELECT LAYOUT as shown in figure 2.) for

placing a digital image ("selected image" in col. 5, line 56 and shown in step 1:SELECT

IMAGE of figure 3.) from a first set of digital images (A selection of an image implies a

group of pictures to be selected.);

c)   identifying (Fig. 3, step 1: SELECT IMAGE), for each placement region of

the one or more placement regions (Fig. 3, step 4:INPUT LAYOUT POSITION has

placement regions 1-6 as shown in figure 2:LAYOUT TEMPLATE.), a digital image (An

image is selected from step 1:SELECT IMAGE of figure 3.) from the first set of digital

images (A selection of an image implies a group of pictures to be selected.) to be

placed in the placement region (Fig. 3, step 4:INPUT LAYOUT POSITION has

placement regions 1-6 as shown in figure 2:LAYOUT TEMPLATE for the selected
image.); and

d)   for each placement region of the one or more placement regions (Fig. 3,
step 4:INPUT LAYOUT POSITION has placement regions 1-6 as shown in figure
2:LAYOUT TEMPLATE.), placing a digital image ("selected image" in col. 5, line 56 and
shown in step 1:SELECT IMAGE of figure 3.) from the first set of digital images (A
selection of an image implies a group of pictures to be selected.) identified (Fig. 3, step
1: SELECT IMAGE corresponds to a selected or identified image.) for the placement
region in the placement region (Fig. 3, step 4:INPUT LAYOUT POSITION has
placement regions 1-6 as shown in figure 2:LAYOUT TEMPLATE for the selected
image.) to generate the customized digital image (The image of figure 2 is used to
generate a customized digital image with images selected for each region "1) thru 6)"
placed in the respective regions.).

Regarding claim 2, Takahashi discloses the method of claim 1 wherein the first
set of digital images (A selection of an image implies a group of pictures to be selected.)
comprises digital image copies (Fig. 3, step 5:INPUT OUTPUT SIZE corresponds to
copied resized image to be placed in the image of figure 2:LAYOUT TEMPLATE based
on the selected image as mentioned in col. 5, lines 56-65.) of a second set of digital
images (The output of figure 3, step 5:INPUT OUTPUT SIZE corresponds to a second
set of copied images based on the selected images.).

Regarding claim 3, Takahashi discloses the method of claim 2 further comprising:

a)   creating a link (Figure 3, steps 1-6 contains a link that sets a print format between images in col. 6, lines 20-25.) between at least one digital image (Fig. 2: LAYOUT TEMPLATE contains one image,"1") in the customized digital image (The image of figure 2:LAYOUT TEMPLATE is used to generate a customized digital image with images selected for each region "1" thru "6" placed in the respective regions.) and [the] a corresponding digital image (A resized image is placed in region "1" in col. 5, lines 59-65.) in the second set of digital images (The output of figure 3, step 5:INPUT OUTPUT SIZE corresponds to a second set of resized copied images based on the selected images.).

Regarding claims 4 and 59, Takahashi discloses the method of claim 3 further comprising:

a)   code (Fig. 9, num. 3:PRINT FORMAT is code input from a user in col. 10, lines 60-62 .) for receiving a user input indicating selection (Fig. 9, num. 6: PRINT generates a print based on user input in col. 10, lines 60-62.) of the at least one digital image (Fig. 2: LAYOUT TEMPLATE contains one image,"1") in the customized digital image (The image of figure 2:LAYOUT TEMPLATE is used to generate a customized digital image with images selected for each region "1" thru "6" placed in the respective regions.); and

b)   in response to receiving the user input (Fig. 9, num. 6: PRINT generates a print based on user input in col. 10, lines 60-62.), retrieving the digital image (A resized image placed in region "1" in col. 5, lines 59-65 for retrieving a printed image.) corresponding to the at least one digital image (Fig. 2: LAYOUT TEMPLATE contains one image,"1") from the second set of digital images (The output of figure 3, step 5:INPUT OUTPUT SIZE corresponds to a second set of copied resized images based on Fig. 2: LAYOUT TEMPLATE that contains one image,"1".).

Regarding claim 7, Takahashi discloses the method of claim 1 wherein the one or more placement regions (Fig. 3, step 4:INPUT LAYOUT POSITION has placement regions 1-6 as shown in figure 2:LAYOUT TEMPLATE.) on the first digital image (Fig. 3, step 3:SELECT LAYOUT as shown in figure 2.) are indicated by one or more bounded regions (Figure 2 has a bounded region or rectangle with a text or mark, "1)", enclosed as shown.).

Claims 8,9, 33 and 62 are rejected the same as claim 7. Thus, argument similar to that presented above for claim 7 is equally applicable to claims 8,9,33 and 72.

Regarding claims 10 and 65, Takahashi discloses the method and computer program product of claims 1 and 57 wherein the code for identifying (Fig. 9, num.3: ANALYZE IMAGE DATA BASED ON PRINT FORMAT), for each placement region of the one or more placement regions, a digital image from the first set of digital images to be placed in the placement region comprises:

a)   code (Fig. 1:IMAGE DATA FORMAT) for determining image identification

information (Fig. 1, num. 31: VER/HOR INFORMATION is a part of IMAGE DATA

FORAMT and determines how an image is oriented vertically or horizontally in col. 4,

lines 44-52.) associated (The image's vertical or horizontal orientation is associated with

LAYOUT INFORMATION during a series of print settings in col. 6, lines 32-39.) with at

least a first placement region (Fig. 2: LAYOUT TEMPLATE has a first placement region

"1") of the one or more placement regions (Fig. 3, step 4:INPUT LAYOUT POSITION

has placement regions 1-6 as shown in figure 2:LAYOUT TEMPLATE.) from the first

digital image (Fig. 3, step 3:SELECT LAYOUT as shown in figure 2.), the image

identification information (Fig. 1, num. 31: VER/HOR INFORMATION) identifying an

attribute (orientation) of a digital image (Fig. 1, num. 31: VER/HOR INFORMATION

determines how an image is oriented vertically or horizontally in col. 4, lines 44-52.) to

be placed in the at least first placement region (Fig. 2: LAYOUT TEMPLATE has a first

placement region "1"); and

b)   code (Fig. 7 num. 71:PRINT DATA FILE) for identifying a first digital image

(Fig. 7, num. 71 contains a FILE NAME that identifies an image.) from the first set of

digital images (A selection of an image implies a group of pictures to be selected.) to be

placed in the at least first placement region (Fig. 2: LAYOUT TEMPLATE has a first

placement region "1") based upon the image identification information (Fig. 1, num. 31:

VER/HOR INFORMATION is shown in figure 7 that has a column for VER/HOR

INFORMATION) associated with the at least first placement region (Fig. 2: LAYOUT

TEMPLATE has a first placement region "1" and in shown in figure 7 with a column

labeled "PRINT POSITION 1".).

Regarding claims 11 and 66, Takahashi discloses the method and program of

claims 10 and 65 wherein identifying the first digital image from the first set of digital

images to be placed in the at least first placement region based upon the image

identification information associated with the at least first placement region comprises:

a)   code (Fig. 7, num. 71: PRINT DATA FILE 71) for identifying a digital

image (Fig. 7, label: "AUT_0001.JPG) from the first set of digital images (A selection of

an image implies a group of pictures to be selected as shown in fig. 7 under the FILE

NAME column.) as the first digital image (Fig. 7 has a respective filename

"AUT_0001.JPG" that identifies an image from a group of pictures.) if information

(Figure 7, filename "AUT_0001.JPG has associated information as shown in the column

headings: SHEET NO., VER/ HOR. , LAYOUT, PRINT POSITION, PRINT NO. and

PRINT SIZE.) associated with the digital image (Figure 7, filename "AUT_0001.JPG is a

digital image.) matches (The column headings of SHEET NO., LAYOUT, PRINT

POSITION, PRINT NO. and PRINT SIZE as used to match with the orientation column,

VER/HOR to display an image as shown in figure 8, num. 82. If the orientation is not

correct, then SHEET NO., LAYOUT, PRINT POSITION, PRINT NO. and PRINT SIZE

will result in an undesirable image that is not matched with the proper orientation.) the

image identification information (Fig. 1, num. 31: VER/HOR INFORMATION and also

shown in the VER/HOR column of fig. 7 shows that the image AUT_0001.JPG is in the

vertical, VER, orientation.) associated with the at least first placement region (Using

figure 7, the VER/ HOR INFORMATION column of the image filename AUT_0001. JPG

is associated with a PRINT POSITION 1 as shown in figure 8, num. 82.).

Claims 12 and 67 were addressed in claim 10 except for the limitation of

a)   code (Fig. 7, label: FILE NAME contains an image format.) for determining

a time stamp (FIG. 1, num. 13: DATE INFORMATION) associated with each digital

image (Fig. 1, num. 13: DATE INFORMATION is associated with an IMAGE DATA

FORMAT as labeled in figure 1.) in the first set of digital images (A selection of an

image implies a group of pictures to be selected.); and

b)   code for identifying a first digital image from the first set of digital to be

placed in the at least first placement region based upon the image identification

information associated with the at least first placement region (This portion was

addressed in claim 10.) and the time stamp (Fig. 1, num. 13: DATE INFORMATION is

identified via a JOG format that uses filenames as mentioned in col. 4, lines 38-43.)

associated with each digital image (Fig. 1, num. 13: DATE INFORMATION is

associated with an IMAGE DATA FORMAT as labeled in figure 1.) in the first set of

digital images (A selection of an image implies a group of pictures to be selected.).

Regarding claim 13, Takahashi discloses the method of claim 1 wherein placing

a digital image from the first set of digital images identified for the placement region in

the placement region to generate the customized digital image comprises:

a)   adjusting (The size of an image is adjusted or "designated" in col. 5, lines

60,61 for placement or positioning in col. 5, lines 59-65.) the digital image ("selected

image" in col. 5, line 56 and shown in step 1:SELECT IMAGE of figure 3.) to fit the

placement region (Fig. 3, step 4:INPUT LAYOUT POSITION has placement regions 1-6

as shown in figure 2:LAYOUT TEMPLATE.).

Regarding claim 14, Takahashi discloses the method of claim 13 wherein adjusting the digital image to fit the placement region comprises:

a)	scaling the digital image (An output size is designated.) to fit the placement region (Fig. 3, step 4:INPUT LAYOUT POSITION has placement regions 1-6 as shown in figure 2:LAYOUT TEMPLATE.).

Regarding claim 15, Takahashi discloses the method of claim 13 wherein adjusting the digital image to fit the placement region comprises:

a)	cropping the digital image (An image that overflows a placement region of figure 2,num. "1)" is cropped in col. 5, lines 64,65.) to fit the placement region.

Regarding claim 16, Takahashi discloses the method of claim 1 wherein:

for each placement region of the one or more placement regions (This portion was addressed in claim 1.), a size (Fig. 7: PRINT SIZE corresponds to a respective selected image.) of the digital image ("selected image" in col. 5, line 56 and shown in step 1:SELECT IMAGE of figure 3.) placed in the placement region (Fig. 3, step 4:INPUT LAYOUT POSITION has placement regions 1-6 as shown in figure 2:LAYOUT TEMPLATE.) is determined by a size (Fig. 7: PRINT SIZE is the size of the placement regions 1-6 as shown in figure 2 :LAYOUT TEMPLATE and figure 8, numerals 82,84,85 and 87-89.) of the placement region (Fig. 3, step 4:INPUT LAYOUT POSITION has placement regions 1-6 as shown in figure 2:LAYOUT TEMPLATE and figure 8, numerals 82,84,85 and 87-89.).

Claim 17 is similar to claim 1 except for the limitation disclosed by Takahashi of a

method of generating a customized digital image, the method comprising:

a)   receiving a signal comprising digital signals (Fig. 3, num. 4:INPUT

LAYOUT POSITION receives a signal 3: SELECT LAYOUT) representative of a plurality

of digital images;

b)   determining a template image (Fig. 3, num. 3: SELECT LAYOUT allows a

user to select a layout.) from the plurality of digital images;

Claims 18,57 and 72 are rejected the same as claim 1. Thus, argument similar to

that presented above for claim 1 is equally applicable to claims 18,57 and 72.

Claims 19,28,47 and 73 are rejected the same as claim 2. Thus, argument

similar to that presented above for claim 2 is equally applicable to claims 19,28,47 and

73.

Claims 20,29,48 and 74 are rejected the same as claim 3. Thus, argument

similar to that presented above for claim 3 is equally applicable to claims 20,29,48 and

74.

Claims 21,30,49 and 75 are rejected the same as claim 4. Thus, argument

similar to that presented above for claim 4 is equally applicable to claims 21,30,49 and

75.

Claims 22 and 50 are rejected the same as claim 5. Thus, argument similar to

that presented above for claim 5 is equally applicable to claims 22 and 50.

Claims 23 and 51 are rejected the same as claim 6. Thus, argument similar to

that presented above for claim 6 is equally applicable to claims 23 and 51.

Regarding claim 24, Takahashi discloses a method of generating a customized digital image using a digital camera, the method comprising:

a)   capturing one or more images (Fig. 5,num. 55:DATA STORAGE) using the digital camera (Fig. 5,num. 21:DIGITAL CAMERA);

b)   capturing a template image (A layout or template is captured or recorded in a memory 33 of figure 1 and mentioned in col. 4, lines 56-58.) by scanning (A camera contains the layout on a sheet in col. 4, lines 56-58. Thus, the camera photographed the sheet to be stored in memory 33.) a paper medium ("sheet" in col. 4, line 58);

c)   determining one or more placement regions (Fig. 3, step 4:INPUT LAYOUT POSITION has placement regions 1-6 as shown in figure 2:LAYOUT TEMPLATE.) from the template image (Fig. 3, step 3:SELECT LAYOUT as shown in figure 2.), each placement region of the one or more placement regions (Fig. 3, step 4:INPUT LAYOUT POSITION has placement regions 1-6 as shown in figure 2:LAYOUT TEMPLATE.) identifying a location (A user "enters" a layout position in col. 5, lines 52-55.) on the template image (Fig. 3, step 3:SELECT LAYOUT as shown in figure 2.) for placing an image ("selected image" in col. 5, line 56 and shown in step 1:SELECT IMAGE of figure 3.) from the one or more images (A selection of an image implies a group of pictures to be selected.) captured using the digital camera (Fig. 5,num. 21:DIGITAL CAMERA);

d)   identifying (Fig. 3, step 1: SELECT IMAGE), for each placement region of

the one or more placement regions (Fig. 3, step 4:INPUT LAYOUT POSITION has

placement regions 1-6 as shown in figure 2:LAYOUT TEMPLATE.), an image (An

image is selected from step 1:SELECT IMAGE of figure 3.) from the one or more

images (A selection of an image implies a group of pictures to be selected.) to be

placed in the placement region (Fig. 3, step 4:INPUT LAYOUT POSITION has

placement regions 1-6 as shown in figure 2:LAYOUT TEMPLATE for the selected

image.); and

e)   for each placement region of the one or more placement regions (Fig. 3,

step 4:INPUT LAYOUT POSITION has placement regions 1-6 as shown in figure

2:LAYOUT TEMPLATE.), placing a copy (Fig. 3, step 5:INPUT OUTPUT SIZE

corresponds to an altered or copied image to be placed in the image of figure

2:LAYOUT TEMPLATE based on the selected image as mentioned in col. 5, lines 56-

65.) of an image ("selected image" in col. 5, line 56 and shown in step 1:SELECT

IMAGE of figure 3.) from the one or more images (A selection of an image implies a

group of pictures to be selected.) identified (Fig. 3, step 1: SELECT IMAGE corresponds

to a selected or identified image.) for the placement region in the placement region (Fig.

3, step 4:INPUT LAYOUT POSITION has placement regions 1-6 as shown in figure

2:LAYOUT TEMPLATE for the selected image.) to generate the customized digital

image (The image of figure 2 is used to generate a customized digital image with

images selected for each region "1) thru 6)" placed in the respective regions.).

Claim 25 was rejected the same as claim 24. Thus, argument similar to that presented above for claim 24 is equally applicable to claim 25.

Regarding claim 27, Takahashi discloses the system (as shown in figure 5 that shows a digital camera 21 and a copy machine 22.) for generating a customized digital image, the system comprising:

a)   an input module (Fig. 5:PHOTOGRAPH MODE is a module that inputs.); and

b)   a processing module (Fig. 5: PRINT DATA SETTING MODE uses the process as shown by the flow chart of figure 3;PRINT DATA SETTING.);

wherein the input module is configured to receive a first digital image; and wherein the processing module is configured to: (The remaining portion of claim 27 was addressed in claim 1.)

Claims 34 and 63 are rejected the same as claim 8. Thus, argument similar to that presented above for claim 8 is equally applicable to claims 34 and 63.

Claims 35 and 64 are rejected the same as claim 9. Thus, argument similar to that presented above for claim 9 is equally applicable to claims 35 and 64.

Claim 36 was rejected the same as claim 10. Thus, argument similar to that presented above for claim 10 is equally applicable to claim 36.

Claim 37 was rejected the same as claim 11. Thus, argument similar to that presented above for claim 11 is equally applicable to claim 37.

Claim 38 was rejected the same as claim 12. Thus, argument similar to that presented above for claim 12 is equally applicable to claim 38.

Claim 39 was rejected the same as claim 13. Thus, argument similar to that presented above for claim 13 is equally applicable to claim 39.

Claims 40 and 69 are rejected the same as claim 14. Thus, argument similar to that presented above for claims 14 is equally applicable to claims 40 and 69.

Claims 41 and 70 are rejected the same as claim 15. Thus, argument similar to that presented above for claim 15 is equally applicable to claims 41 and 70.

Claim 42 was rejected the same as claim 16. Thus, argument similar to that presented above for claim 16 is equally applicable to claim 42.

Claims 43,44,55 and 56 are rejected the same as claim 27. Thus, argument similar to that presented above for claim 27 is equally applicable to claims 43,44,55 and 56.

Claim 45 is similar to claim 1 except for the limitation of a processor, memory and code which are disclosed by Takahashi of a system (fig. 5, num. 21:DIGITAL CAMERA) for generating a customized digital image, the system comprising:

a)   a processor (Fig. 5, num. 52: IMAGE PROCESSOR); and

b)   a memory (Fig. 10:MEM MAP OF STORAGE MEDIUM stores code that is processed by the IMAGE PROCESSOR.) coupled to the processor, the memory configured to store a plurality of code modules (Fig. 10: FIRST DATA PROCESSING PROGRAM of figure 3 and SECOND DATA PROCESSING PROGRAM of figure 9.) for execution by the processor, the plurality of code modules including:

a)   a code module (Fig. 3, num. 1:SELECT IMAGE) for receiving a signal comprising digital signals representative of a plurality of digital images;

b)   a code module (Fig. 3, num. 3: SELECT LAYOUT) for determining a

template image from the plurality of digital images;

c)   a code module (Fig. 3, num. 4: INPUT LAYOUTPOSITION) for

determining one or more placement regions from the template image, each placement

region of the one or more placement regions identifying a location on the template

image for receiving a digital image from the plurality of digital images;

d)   a code module (Fig. 9, num.3: ANALYZE IMAGE DATA BASED ON

PRINT FORMAT) for identifying, for each placement region of the one or

more placement regions, a digital image from the plurality of digital images to be placed

in the placement region; and

e)   a code module (Fig. 9, num. 4: EXECUTE IMAGE PROCESSING ON

IMAGE DATA WITH LAYOUT) for placing, for each placement region of the one or

more placement regions, a copy of a digital image from the plurality of digital images

identified for the placement region in the placement region to generate the customized

digital mage.

Claim 46 was rejected the same as claim 45. Thus, argument similar to that

presented above for claim 45 is equally applicable to claim 46.

Claims 52,57,71 and 72 were rejected the same as claim 45. Thus, argument

similar to that presented above for claim 45 is equally applicable to claims 52,57,71 and

72.

Regarding claim 53, Takahashi et al. discloses the digital camera (fig. 5, num.

21:DIGITAL CAMERA) of claim 52 further comprising a first button (" mode switch" in

col. 6, line 59.) which when selected indicates that an image received by the digital

camera is a template image (Fig. 5 shows a PRINT DATA SETTING MODE generates

a template or layout as shown in figure 1 where PRINT DATA SECTION 3 includes

LAYOUT INFORMATION 33.).

Claim 54 is similar to claim 46 except for requiring a plurality of placement

regions which are disclosed by Takahashi in fig. 2, numerals "1)" thur "6)" which are

used to place an image in each region.

Regarding claim 58, Takahashi discloses the computer program product (Fig.

10:MEM MAP OF STORAGE MEDIUM stores code.) of claim 57 wherein the first set of

digital images comprises digital image copies of a second set of digital images

(addressed in claim 2), and the computer program product (Fig. 10:MEM MAP OF

STORAGE MEDIUM stores code) further comprises code (Fig. 3 numerals 1-6 is code

that performs the following limitation addressed in claim 3.) for creating a link between

at least one digital image in the customized digital image and the corresponding digital

image in the second set of digital images (Addressed in claim 3.).

Regarding claim 68, Takahashi discloses the computer program product of claim

57 wherein:

a)   for each placement region of the one or more placement regions, a size of

the digital image placed in the placement region is determined by a size of the

placement region (This limitation was addressed in claim 16); and

b)   the code for placing a digital image from the first set of digital images

identified for the placement region in the placement region to generate the customized

digital image comprises (This limitation was addressed in claim 57.) code (Fig. 3, num.

5: INPUT OUTPUT SIZE) for adjusting (The size of an image is adjusted or

"designated" in col. 5, lines 60,61 for placement or positioning in col. 5, lines 59-65.) the

digital image ("selected image" in col. 5, line 56 and shown in step 1:SELECT IMAGE of

figure 3.) to fit the placement region (Fig. 3, step 4:INPUT LAYOUT POSITION has

placement regions 1-6 as shown in figure 2:LAYOUT TEMPLATE.).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 5,6,26,31,32,50,51,60,61,76 and 77 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Takahashi (US Patent 6,504,960 B2) in view of Cheng et al.

(US Patent 6,012,070 A).

Regarding claim 5, Takahashi does not teach the limitation of scanning a paper medium to receive a digital image, but does suggest that a digital image or "layout information" has to be recorded or memorized which suggests that the layout information could be stored on a medium.

However, Cheng et al. teaches scanning (Fig. 1, num. 11:CONVERT IMAGES AND GRAPHICS TO DIGITAL FORMAT. Thus, an analog image in converted or scanned to a digital image.) a paper medium ("photographs" in col. 4, line 44 is a paper medium that is converted in fig. 1, num. 11 and sent to fig. 1, num. 15 via num. 13 in col. 4, lines 48,49.) on which the one or more placement regions (Fig. 14:TEMPALTES have regions for placing text and drawings of a bird and money sign as shown and in col. 5, lines 4-6.) have been indicated to generate the first digital image (Fig. 1, num. 16: DIGITAL FORMAT OF TEMPLATE).

Regarding claim 26, Cheng et al. teaches using a digital camera (A camera is used to create photographs or graphics in col. 4, line 44.) to capture the template image ("templates are composed, including utilizing the low resolution digital format. Note that the low resolution digital format is a converted photograph in col. 4, lines 44-46.) comprises:

a)   imprinting one or more bounded regions on a paper medium (Graphic arts photography is used to take a photo of the template and is printed in col. 2, lines 15-17.);

b)   selecting a button on the digital camera (This feature is inherent for a camera.); and

    c)   using the digital camera to capture an image of the paper medium while the button **of** the digital camera is selected (This feature is inherent for a camera.).

It would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Takahashi's teaching of recording a layout or template with Cheng et al.'s teaching of scanning or converting a paper medium, because Cheng et al.'s teaching provides "an almost infinite number of different forms/brochures are possible depending upon the number of graphics templates...(col. 9, lines 20-23).". Note that the graphics templates include photos or a paper medium, thus the photos were scanned or converted to digital form to create an almost infinite number of forms.

Claims 6,31,50,60 and 76 are rejected the same as claim 5. Thus, argument similar to that presented above for claim 5 is equally applicable to claims 6,31,50,60 and 76.

Claims 32,51,61 and 77 are rejected the same as claim 6. Thus, argument similar to that presented above for claim 6 is equally applicable to claims 32,51,61 and 77.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Windle (US Patent 6,606,117 B1) is pertinent as teaching a method of arranging content information with a template as described in figure 11.

Bubie et al. (US Patent 6,453,078 B2) is pertinent as teaching a method of creating templates as shown in figures 5 and 6.

Barrett (US Patent 4,896,176 A) is pertient as teaching a method of using a template (fig. 3, num. 26) for placing photographs (Fig. 3, num. 28 and fig. 4, num. 32).

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Rosario-Vasquez whose telephone number is 703-305-5431. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Boudreau can be reached on 703-305-4706. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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